

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGEL ITURBE-GONZALEZ,

Petitioner,

v.

FCI MENDOTA WARDEN,

Respondent.

Case No. 1:23-cv-00178-CDB (HC)

ORDER GRANTING RESPONDENT'S MOTION
FOR AN EXTENSION OF TIME

(Doc. 17)

Petitioner Angel Iturbe-Gonzalez, ("Petitioner") is a federal prisoner proceeding pro se and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1).

Petitioner is currently in the custody of the Bureau of Prisons ("BOP") at the United States Penitentiary located in Mendota, California, and filed the petition on February 6, 2023. *Id.* On April 13, 2023, the Court issued an order directing respondent to file a response to the petition. (Doc. 5).

On June 14, 2023, Respondent filed a motion to dismiss the petition. (Doc. 10). Petitioner did not respond to the motion to dismiss. Thereafter, on July 31, 2023, Respondent filed a motion to stay proceedings and motion for leave to file amended (superseding) motion to dismiss and response to petition. (Doc. 13). Respondent asserted his motion to dismiss was based on inaccurate information

1 received from the BOP. *Id.* at 2. Respondent also noted it “is mindful [Petitioner] is serving his
2 sentence and that the request for a stay of proceedings is to his prejudice.” *Id.* at 3. Petitioner did not
3 respond to the motion to stay. On August 21, 2023, the Court granted Respondent’s motion and
4 provided Respondent until August 30, 2023, to file an amended motion to dismiss or a response to the
5 petition. (Doc. 16).

6 Pending before the Court is Respondent’s motion for a further extension of time to file a
7 superseding motion to dismiss or a response to the petition. (Doc. 17). Respondent requests a 14-day
8 extension of time to analyze updated information from BOP, review the law governing this case, and
9 to draft an appropriate response. *Id.* at 1-2.

10 Given Respondent’s representations, a 14-day extension of time is warranted. The Court is
11 mindful that a continued delay of these proceedings is to Petitioner’s prejudice. Therefore, the Court
12 disfavors any further request for an extension of time to provide a response.

13 Accordingly, IT IS HEREBY ORDERED:

- 14 1. Respondent’s motion for an extension of time (Doc. 17) is GRANTED; and
15 2. Respondent SHALL FILE any amended motion to dismiss or response to the petition
16 by September 13, 2023.

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18 IT IS SO ORDERED.

19 Dated: August 31, 2023

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UNITED STATES MAGISTRATE JUDGE